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S. FERRIS HULIN, Proprietor. Established 1873. | Devoted to Home News, Local Improvement and the Public Welfare. | Subscription Two Dollars Per Annum. Office, 29 Broad Street

VOL. XVI. NEW SERIES. NO. 16. | BLOOMFIELD, N. J., FRIDAY, MAY 29, 1896. | PRICE FIVE CENTS

Good Government Problems.

LIVE QUESTIONS.

A Series of Articles Contributed by Advanced Thinkers.

CONSTITUTIONAL AND JUDICIAL OBSTACLES TO REFORM.

Were you looking to be laid together by the lawyers?
Or by an agreement on a paper?
Or by armies?
Nay. Nor the world nor any living thing will so cohere.
—Walt Whitman.

Story, in the preface to his "Commentaries," speaks of the constitution as "in the highest sense the palladium of American liberty." Hamilton showed a clearer conception of its scope. In The Federalist he stated that its adoption would afford additional security to "the preservation of republican government, to liberty and to property." Popular opinion up to the present day sustains Judge Story, and it is as bulwarks of liberty that the constitutions of the nation and of the state are usually regarded. It is the object of this article to point out briefly some reasons for revising this opinion and for recognizing the fact that our constitutions have become the bulwarks of property and of little else. To this end I will cite at random three leading cases which have been decided within a year or two.

First.—The income tax case (Pollock versus Farmers' Loan and Trust Co., 15 Sup. Court Rep., 912) holds that Congress cannot impose an income tax on account of a provision in our constitution adopted in 1789, which declares that representation and direct taxes must be apportioned among the several states according to their population (Constitution of the U. S., article 1, sections 2 and 3). The dissenting opinion of Mr. Justice Harlan shows clearly that in deciding that an income tax is a "direct tax" the supreme court has run counter to the tendency of all the decisions of the last century. It is admitted that this paragraph of the constitution was inserted as a part of the compromise between the north and south on the subject of the representation of the slaves in congress. The reason for the provision ceased with the amendments adopted during the war, and yet our highest court in interpreting this clause, instead of taking a broad view of the question, has applied to the case a kind of pettifogging logic which might not, perhaps, be out of place in an action on a promissory note. To do this they have been obliged to turn their backs on a series of decisions looking in the other direction, and the result is that they have denied us the right of levying a tax of the most democratic description, although it has long been collected without question in England and Germany.

ERNEST H. CROSBY.

Second.—The second is the Hyattsville case, decided in January, 1893, by the supreme court of Maryland (Wells versus Hyattsville, 77 Md., 125). In this case the town of Hyattsville had undertaken under an act of the legislature to raise its taxes exclusively from land after deducting the worth of improvements. It was, in fact, an experiment in the direction of the single tax. Here article 15 of the declaration of rights in the Maryland constitution, first adopted over a century ago, was found to stand in the way, that article requiring taxes to be levied on both real and personal property. The court declares that under this article all exemptions of personal property must be null and void (page 142). As the drift of tax reform is decidedly in this direction, the state of Maryland is to a great extent closed to any improvement in her tax system. The court's opinion of the single tax is not flattering. It is "a scheme which if suffered to obtain a foothold will inevitably lead to ruinous consequences" (page 138).

Third.—The third case is that of Ritchie versus the people, decided in March, 1895, by the supreme court of Illinois (N. E. Reporter, volume 40, page 456). An act had been passed by the legislature (act of June 17, 1893) providing that "no female shall be employed in any factory or workshop more than eight hours in any one day or 48 hours in any one week." The court declares this section to be unconstitutional under the article of the constitution of Illinois (articles 2 and 20) which says that "no person shall be deprived of life, liberty or property without due process of law." As the provision is common to almost all, if not all, of our constitutions, the decision is of interest throughout the country. Judge Magruder in giving the opinion of the court speaks as follows:

"Labor is property, and the laborer has the same right to sell his labor and to contract without reference thereto as any other property owner. In this country the legislature has no power to prevent persons who are sui juris from making their contracts, nor can it interfere with the freedom of contract between the workman and the employed. This enactment is a purely arbitrary restriction upon the fundamental right of the citizen to control his own time or faculties." It will be noticed that this opinion, while it decides the case against the employees and in favor of the employer, is so drawn as to lead one to suppose that it is really the women and children who have won the lawsuit, and that it is their interest and ambition to be allowed to work 24 hours a day.

Now, what class of the community has been protected by these three decisions? In the income tax case it is the class whose incomes are over $4,000 a year. This includes persons who receive large salaries and also the more important class of those who have large invested estates. It was the latter class that attacked the act, as is shown by the character of the parties in the two cases—viz., the Farmers' Loan and Trust company and the Continental Trust company.

In the Hyattsville case protection is extended to landlords.

In the Illinois eight hour case it is the factory owner who is protected against the employment of children in his employ. In connection with this decision it is worth while to note a recent newspaper item, which sets forth that "In Canton, Ills., a city of 14,000, there is a plow factory and numerous cigar factories where children work for $1.50 and $2.50 a week of 12 and 12 hours a day."

Are there any recent constitutional decisions protecting life and liberty to set off against these three protecting decisions for property? If there are any, I should be glad to cite them, but I do not know of one—not by any means that no occasion for such a decision has presented itself. In the case of Debs (15 Supreme Court Reporter, page 900) the right of a single judge to imprison a defendant for contempt of court, although the alleged act is constituted crime, was upheld, which decision certainly does away with "due process of law" in the case of "life and liberty" and throws jury trials to the winds. It is unnecessary here to dilate on the opinion of the court below, which, while admitting that Debs counseled moderation, calmly holds that he did not mean what he said. It is stamped with prejudice from beginning to end.

There are two reasons for this failure of our constitution to protect life and liberty while they go much too far in protecting property. In the first place, our judges are prejudicial; in the second place, our constitutions are in some respects antiquated.

First.—As to the judges, I am far from believing that they have any intention to render unjust decisions, but all their prepossessions run in one direction. Corporations pay the best fees, hence every young lawyer hopes to become a corporation lawyer. Practically every successful lawyer is a corporation lawyer. From this class our judges are selected. It is therefore perfectly natural that they should look upon invested wealth as the one important thing in the world. They naturally regard all movements in favor of "property" as unholy combinations, to suppress which—as in the case of dynamiters or armed brigands—a court is justified in exercising all its ingenuity. It is this kind of ingenuity which our courts have made use of in the income tax and Debs cases. Another example occurred recently in Brooklyn. An act of the legislature forbade the trolley companies to "exact more than ten hours' work a day" from their employees. The men were forced to continue to work over 12 hours a day. The county court decided that this did not conflict with the statute because the companies did not "exact" 12 hours' work, for the employees could, if they liked, leave their employ. This decision, of course, absolutely nullified the legislative enactment. Still another example of legal prejudice is afforded by the antitrust act. This act has never been enforced against trusts, but it has been distorted into an act against strikers, and against strikers its provisions have been carried out. This piece of legerdemain was the work of a court of equity, save the mark!

Second.—But our constitutions, too, are a trifle outworn. As we saw in the Hyattsville case, they sometimes block the way to progress even when fairly interpreted. Our national constitution was at best a triple compromise between large states and small states, between slavery and free labor and between democrats and aristocrats. It was adopted by a population of 5,000,000 straggling along 1,000 miles of seacoast. It now governs over 60,000,000 people, and the industrial condition of the world has changed more since 1789 than it had in 2,000 years before that time. That the constitution was a masterpiece no one can deny, but are we not expecting a little too much from it under our vastly altered circumstances? Does not the dead hand rest somewhat too heavily on our institutions, and does not the earth belong to the living?

The remedy for such shortcomings, as I have pointed out, lies principally in the spread of true ideas, for the world is ruled by ideas. We must build up a correct public opinion. The blind worship of the constitution should be relegated to the limbo of ancestor worship and the fetish dance. We must insist upon a liberal construction and urge the preference of the rights of life and liberty to those of property. The courts would soon reflect a healthy public opinion on these subjects. There are bound to be great changes in the civilized world in the next century. We should not labor under disadvantages from which all other nations are free. We must not be hampered at every step by the fetters of the dead. John Burns said that the two things which struck him most in America were unconstitutionality and "Keep Off the Grass." It is high time for us to make such stigmas impossible. ERNEST H. CROSBY.

New York city.

Equity utters dictates to which we have not yet listened, and men may then learn that to deprive others of their rights to the use of the earth is to commit a crime inferior only in wickedness to the crime of taking away their lives and personal liberties.—Herbert Spencer, "Social Statics."

COLONIAL FAMILY HISTORY

The Morrises of New York and New Jersey in Early Times.

From a Paper in The N. Y. Mail and Express, by Annie A. Haxton.

The Morrises are of Welsh origin. They commenced with a powerful British leader, born in 933, an offshoot of whose stock, about the middle of the fifteenth century, settled in Monmouthshire, and acquired large estates at Tintern: Denham and Pontterry. Here the three-brother story, which is true history, formed an important factor in all that was to follow in succeeding generations. These possessions were represented in 1635 by Lewis, William and Richard Morris. Lewis, the eldest son, was a man of power and great organization. In heriting the estate at Tintern, he threw himself heart and soul into all matters of public interest. With him there were no half-way measures. At all hazards he must follow the direction of his own mind, let the results be adverse or no. One of his acts, which for a while at least, put him out of active connection with events, was to raise and head a troop of horse in support of Parliament, for which act Charles I. confiscated his estates.

His leisure for thinking over his affairs was curtailed by the execution of Charles, and subsequent power of Oliver Cromwell, who in return for his losses indemnified him, and in 1654 he was sent by Cromwell to the Spanish West Indies, with orders to make himself master of the seas. The mantle of Drake and Hawkins was wanted for his shoulders. Much of opportunity was his. He had the aid of his nephew, Captain John Morris, who had long been settled in the Barbadoes, and Richard, his youngest brother, held a captain's commission in his regiment.

On the restoration Richard Morris retired to the Barbadoes, where his interests were largely increased by his marriage with a wealthy lady by the name of Pole. In 1670, in pursuance of his peripatetic instincts, he transferred himself to New York, purchased a large estate in Westchester County, beautifully situated on the Harlem River. Soon after, with the natural grasp of what was his due, he obtained a grant of Governor Fletcher, which made his domain of more than 3,000 acres into a manor, under the name of Morrisania, devoting himself with the instinct which seems to follow all military men, when their time of leisure comes, to farming.

Sad to relate, his years of this anticipated pleasure were very short, for he died in 1673, leaving an only son, the young Lewis, born in 1672, to inherit his vast possessions, and he naturally hoped his tastes.

The Governor appointed him a guardian, but the loving father, with a regard for his orphan son, who was early bereft of his mother, had made a compact with his brother Lewis, still living in Barbadoes, to come to New York and settle on part of the manor, assuming the care of his young son. He arrived soon after Richard's death, settled at Morrisania, according to agreement, and eventually made Lewis his heir.

Lewis Morris entered early into political life, an impulse he had no power of resisting had he so willed it, and he passed on by this same impelling force to being a member of the Council of New Jersey, Judge of the Superior Court and Chief Justice of New York.

When New Jersey was made a separate province he was naturally appointed Governor, and giving the best of himself to the office, he held it until his death, in 1746.

He had many places for a local habitation, for as well as his inherited patrimony he had acquired large estates in Monmouth, New Jersey, named Tintern, after his ancestral halls in Monmouthshire.

In 1691 he married Isabella Graham, daughter of James Graham, Attorney-General of the Province of New York, by whom he had four sons and eight daughters.

His eldest son, Colonel Lewis Morris, was Judge of Admiralty, and his Bible, in the possession of his great-grandson, Robert Rutherfurd of New York, (1876,) which is a 'Dutch folio, bound in embossed pig-skin and brass clasps and corner pieces," tells us in the Colonel's own handwriting:

"I was born at Tintern in New Jersie in the year 1698 and the 23d of September," and not to neglect his wife: her birth record follows his:

"My wife was born at New York the 4th of April, in the year 1697."

In natural sequence comes the marriage: "I was married by William Vesey the 17th day of March, 1723, to Mrs. Trintie Staats, daughter of Dr. Samuel Staats."

To this father and mother, surrounded by everything prosperity and affection could give them, there came a blessing when—

"My son Lewis was born the 8th day of April, 1726, at half an hour after ten of the clock at night, was christened by Robert Jenny, Mr. Coeymans and Capt. Vincent Pearse godfathers, Sister Gouverneur godmother."

This Lewis Morris, the signer, was born in Morrisania, in his paternal mansion, the welcome first son, who by right of primogeniture, inherited the manorial estate. No horoscope had foretold his future, and given his young parents a knowledge of what awaited them. The mother, content in her enjoyment of her son as he grew in beauty day by day, left this boy to the care of others, and this same Bible adds to its records: "My Wife departed this life the Eleventh day of March, 1731, aged 36 years, after a violent illness for Nine Days."

Having completed his preparatory studies, Lewis Morris entered Yale College and graduated there with honors when only 20 years of age. Popular, educated, with a strong love of home and agricultural pursuits, surrounded by friends who loved and appreciated him, he looked out on the vista of circumstances and saw the "clouds no bigger than a man's hand" converging from all sides to meet the bursting centre, when love of country should rise paramount to all personal considerations and evoke that first step, the "Declaration of Independence," which could only rest when freedom and a Republican government was secured.

Strong in his convictions, deliberate in action, his mind satisfied, his hand put up to the plow, his was not the spirit to turn back. Every circumstance of his life, his dainty birthright of ease and luxury, his student habits, all were against his espousing the cause of freedom's activity. There was everything to give up. To be sure, much to hope for in the spirit with which he translated duty and honor, but his heart had turned to his "elegant mansion, fine estate and valuable timber," as only a lover of nature and nature's God can appreciate.

Generations of regard had made all of this infinitely dear to him, and yet with unwavering purpose, and the knowledge of the devastation following an army's march, he never quailed, but pressed on to the acquirement of a history personal to himself, which to-day places those of his descent in a position nothing can deprive them of, and which no money can purchase for other aspirants. His mind was at rest, the first self communing finished the story and placed the end on record, when fadeless the voice of interest be still.

Onward he went, counting life of no value if his country needed him, though his home was wrecked, his family in exile. He died in 1798, in the 72d year of his age, and was buried at Morrisania with military honors, as befitted a hero.

Reformers and Performers.

It is a good thing to be a reformer, for genuine change is always in order. The first essential of reform is that the reformer shall reform himself. It is not encouraging for a modern advocate of several utopian schemes, for instance, to enter one of the most gigantic trusts in the country and aid in raising the price of a great commodity. Such reformers are hindrances to any cause they espouse. We need to live as nearly as possible up to the great theories we teach.

There is one class who talk incessantly and wildly and disgust many people who would otherwise be helpful. They talk in lugubrious adjectives, indulge in invectives and sulphurous phrases of denunciation. This is not argument and is another melancholy example of how "not to do it."

Usually the more adjectives a man uses the less truth he tells, the more he denounces the less he does. His danger is that he may become a mere performer, delighting in clog dances and tight rope performances, pleasing to some, but certainly not to the taste of most people.

Another difficulty is found in the unwillingness of many reformers to take hold of some practical movement that leads in the least toward the end sought. If I want to go a mile I must take the first step ere I can take the last one. He who waits to take them all at once takes none.

Fair Offer.

In the middle of the third act the young woman with the big headdress turned around in her seat and spoke to the youth immediately behind her.

"Sir," she said, "if you will change your brand of chewing gum, I'll take off this hat. I'm getting tired of that wintergreen fragrance."—Chicago Tribune.

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THE HOUSEHOLD.

Points on Pastry Making—Why Milk Disagrees With a Great Many Persons—A Wet Umbrella.

There is a great art in pastry making. The chief secret of success, granted that the materials are good, is due to a light, cool hand. One cook may use precisely the same ingredients as another, yet in the one case the pastry may turn out heavy and indigestible, in the other light and perfect. Then of course much depends upon the baking.

Take it as a rule that the flour must be sifted before it is mixed with any ingredient, save perhaps baking powder, which may be sifted with it. Butter is the best kind of fat to employ, but lard, good sweet dripping, and clarified fat are often used as substitutes in the making of plain pastry.

Opinions from different sources vary as to the wisdom of using eggs in the manufacture of puff paste, though for short pastes they are undoubtedly advantageous. The use of the yolks, at least for puff paste, gives richness and smoothness. There are those who prefer to use the whites only. Baking powder is very useful in giving lightness to pastry. And here it may be as well to add that cakes, pastries, etc., in which baking powder is used, must be put into the oven at once, for directly moisture touches it the powder begins to effervesce.

Everything in connection with the making of pastry should be as cool as possible, otherwise it is impossible to get the best results. Choose as cool and shady a spot as you can for mixing and rolling the paste. In summer time, during intense sun heat, it will be all the better for being rolled on a marble slab, if such a thing is at hand, and a glass bottle may be used instead of the ordinary wooden rolling pin.

Keep your board and rolling pin well floured to prevent the paste from sticking to either, but do not use an overabundance or the pastry will not be so good. Neither should you pour into the flour too much water at first.

For baking small pastry a brisk, even heat is usually the best, but for pies and thick paste the heat may be more temperate after the crust has risen, so that the contents shall be properly cooked and the outside remain unscorched. A little hint worth remembering is that when the pie is brown enough, but the contents are not sufficiently cooked, lay over it a wetted or greased paper, which will prevent the crust from scorching. The beautiful color of well baked pastry and the appetizing odor are its great charm.

Why Milk Disagrees With People.

It is well known that milk curdles immediately on reaching the stomach. The most common reason why milk does not agree with people is that they swallow it too quickly, says Science News. If a glass of it is drunk hastily, it forms one solid curdled mass, very difficult of digestion. If the same quantity is slowly sipped and well chewed, it will be so thoroughly divided that when it is coagulated, instead of being in one hard mass upon the outside of which alone the digestive juices can act, it is more in the form of a sponge and exposes a much larger surface to the action of the gastric juice. Milk may also be rendered more digestible and to many persons more palatable if it is first curdled by slowly adding a few drops of dilute hydrochloric acid to it, drop by drop, while stirring it well at the same time. Water should also be always sipped slowly and thoroughly "chewed up" before swallowing.

Washing Chamois Gloves.

The chamois gloves in white and light shades which are worn by bicyclists may be washed in the following manner, says a writer in the New York Sun: Make a lather with castile soap and warm water, using a spoonful of ammonia to each quart. When the water is tepid, put the gloves in it and let them soak for a quarter of an hour; then press them with the hands, but do not wring them. Rinse in fresh cold water with a little ammonia added. Press the gloves in a towel. Dry them in the open air after previously blowing to puff them out.

How to Avoid Sore Throats.

A very simple precaution taken with the throat so as to keep it well and healthy will be labor and time very well expended. A relaxed throat should be attended to at once. A gargle can be used of strong vinegar (or lemon juice), and cold water and lemonade can be drunk often. Now and then the throat must be painted inside with a solution of tannic acid in glycerin. A tonic must be taken, and the throat not allowed to be too much covered up.

A Wet Umbrella.

Most people make the mistake of standing a wet umbrella upon its point to dry. This is clearly an error, for in this position the water will trickle down and settle in the folds at the narrow end of the silk and so rot it and rust the wires. The best way to treat an umbrella when wet is to open it and wipe it as dry as possible, and then stand it on its handle to drain. If it is left open until dry, the silk gets stretched.

A Fad of the Day.

Stained or painted burlaps for halls are a fad of the day. They are woven in varied and effective designs. When placed on the wall, in many cases they are then enriched with medallions in papier maché and finished in bronze or colors. The frieze is usually decorated with a [illegible] applique, the entire scheme exhibiting great boldness. This method is suitable for halls and dining rooms in private houses.

Breakfast Coffee Cake.

Work a half cup of sugar and a tablespoonful of butter into a pint of bread dough; roll out an inch thick and put in a buttered baking pan; brush the top over with melted butter and sprinkle thickly with cinnamon and sugar; let it rise and bake.

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